

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11 cr 010**

| | | |
|--|---|----------------|
| UNITED STATES OF AMERICA |) | |
| |) | AMENDED |
| Vs. |) | ORDER |
| |) | |
| JAMES W. BAILEY, JR. |) | |
| a/k/a James W. "Bill" Bailey, Jr. |) | |
| |) | |

THIS MATTER has come before the undersigned, pursuant to a Notice of Appeal and Motion to Withdraw (#612) filed by Ronald K. Payne requesting permission to withdraw as counsel for Defendant. It appears that Mr. Payne was only retained for the purposes of proceedings before the District Court and he has requested that he be allowed to withdraw from further proceedings in this matter. The undersigned finds that good cause has been shown for the granting of the motion and the motion will be allowed in part but denied in part.

At the sentencing hearing in this matter, the issue of Defendant's obligation for restitution was left open and a later hearing was scheduled concerning the issue of restitution for April 15, 2013. Therefore, Ronald K. Payne will be allowed to withdraw except that his representation of Defendant as it pertains to the issue of restitution shall continue until the issue of restitution has been determined.

The undersigned has further considered an affidavit of indigency filed by Defendant and has consulted the file in this matter. It appears that the United States Court of Appeals for the Fourth Circuit has appointed counsel to represent Defendant for the purpose of the appeal. (#619)

ORDER

IT IS, THEREFORE, ORDERED that the Notice of Appeal and Motion to Withdraw (#612) of Ronald K. Payne is hereby **ALLOWED** except that his representation shall continue with regard to the issue of restitution until the final restitution order is entered. The United States Court of Appeals for the Fourth Circuit has entered an Order (#619) appointing counsel for Defendant for the purposes of appeal.

Signed: March 27, 2013

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

